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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/642,626

08/19/2003

Cristian Mititelu

3445-Z

3799

7590

02/20/2008

Law Office of Jim Zegeer
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801 North Pitt Street
Alexandria, VA 22314

EXAMINER

HAMZA, FARUK

ART UNIT

PAPER NUMBER

2155

MAIL DATE

DELIVERY MODE

02/20/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/642,626	Applicant(s) MITITELU, CRISTIAN	
	Examiner FARUK HAMZA	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the application filed on August 19, 2003.
Claims 1-16 are pending.
2. The applicant should always use the period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks TM, and other legal symbols [®], where required, and clarity of meaning in the Specification, Drawings, and specifically the claims (i.e., provide proper antecedent basis for "the" and "said" within each claim). Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. **Claims 1-16 are rejected under 35 U.S.C. 101** because the claimed invention, in light of the specification, encompasses non-statutory subject matter since such reads on (encompass) software or program per se' and/or a carrier wave signal (In re Beauregard (CAFC) 35 USPQ2d 1383) and MPEP 2106 (New EXAMINATION GUIDELINES FOR COMPUTER-RELATED INVENTIONS).
Even though drafted as "A method", each of the recited method elements

encompass their software or program per se' equivalent and thus the whole of the method encompasses software or program per se'; unlike "A method executing on hardware". As for the processor claims, such encompass only software or program per se' equivalents; unlike "A hardware processor".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA), and further in view of Hsieh et al. (U.S. Pub. No. 2002/0158900) hereinafter referred as Hsieh.

As to claim 1, AAPA teaches a method of providing configuration information for a bridged virtual local area network (VLAN) within a communication network, comprising the steps of:

receiving an identification of a node and of a physical port (P[0003-0005]);
receiving a validated VLAN configuration (P[0003-0005]); and
transmitting the validated VLAN configuration to the node (P[0003-0005]).

AAPA does not teach use Graphical User Interface (GUI) to provide configuration information.

However, Hsieh teaches use Graphical User Interface (GUI) to provide configuration information (abstract).

It would have been obvious to the ordinary skill in the art at the time of the invention to modify the teaching of AAPA by adding Graphical User Interface (GUI) to provide configuration information, which would provide high level mechanisms by way of which the networking of devices disposed within an automated environment can be implemented in a repeatable and well-documented manner and which permits system operation to obtain. One would be motivated to such to make the system more users friendly.

As to claim 2, AAPA teaches the method of claim 1 wherein the step of receiving a validated VLAN configuration comprises receiving an identification of at least one virtual port belonging to a member set of the VLAN (P [0003]).

As to claim 3, AAPA teaches the method of claim 2 wherein the step of receiving a validated VLAN configuration further comprises the steps of:

receiving an identification of zero or more virtual ports belonging to a forbidden set of the VLAN (P [0003, 0004]);

receiving an identification of zero or more virtual ports belonging to an untagged set of the VLAN (P [0003, 0004]); and

ensuring that the member set and the forbidden set have no virtual ports in common (P [0003, 0004]).

As to claim 4, AAPA teaches the method of claim 3 further comprising the step of receiving from the identified node existing configuration information for

existing VLANs on the physical port of the node, and wherein the step of receiving a validated VLAN configuration further comprises the steps of:

receiving a VLAN identification (ID) of the bridged VLAN (P [0003, 0004]);

and

ensuring the VLAN ID is not already being used by an existing VLAN (P [0003, 0004]).

As to claim 5, AAPA teaches the method of claim 4 further comprising the steps of:

determining from the existing configuration information a number of VLANs currently configured on the physical port (P [0003, 0004]); and

ensuring that configuration of the bridged VLAN on the physical port would not violate a maximum limit of VLANs on the physical port (P [0003, 0004]).

As to claim 6, Hsieh teaches the method of claim 1 comprising the further step of storing the valid configuration information at a network management system (P[0010]).

As to claim 7, AAPA teaches the method of claim 1 wherein the node is an Asynchronous Transfer Mode node (P [0002]).

As to claim 8, AAPA teaches the method of claim 1 wherein the bridged VLAN is in conformance with the 802.1q VLAN standard (P [0002]).

Claims 8-16 do not teach or define any new limitations other than above claims 1-8. Therefore, 8-16 are rejected for similar reasons.

5. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- Tanaka et al. (U.S. Pub. No. 2004/0037295) discloses method for creating VLSN.
 - Hsieh et al. (U.S. Pub No. 2002/0158900) discloses Graphical User Interfaces for network management.
 - Kanda et al. (U.S. Patent Number 7,242,499) discloses a system for creating virtual file server.
 - Iijima et al. (U.S. Patent Number 6,223,218) discloses system for automatically setting VLAN configuration information.
 - Walker et al. (U.S. Pub. No. 2003/0005115) discloses system and method for providing access to resource.

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- Chaudhry et al. (U.S. Pub No. 2004/0233234) discloses method for automating the diagramming of VLAN.
- Chen et al. (U.S. Pub. No. 2005/0240664) discloses method for configuring and managing a network device.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

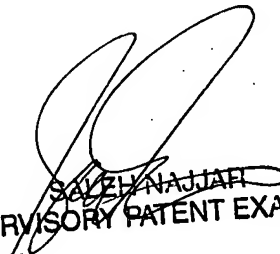
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll -free).

Faruk Hamza

Patent Examiner

Group Art Unite 2155


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER